

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
NEW YORK CITY DISTRICT COUNCIL OF
CARPENTERS PENSION FUND, NEW YORK CITY
DISTRICT COUNCIL OF CARPENTERS WELFARE
FUND, NEW YORK CITY DISTRICT COUNCIL OF
CARPENTERS ANNUITY FUND, and NEW YORK
CITY DISTRICT COUNCIL OF CARPENTERS
APPRENTICESHIP, JOURNEYMAN RETRAINING,
EDUCATIONAL AND INDUSTRY FUND, BY THEIR
TRUSTEES FRANK SPENCER, DOUGLAS J.
McCARRON, JOHN BALLANTYNE, PAUL TYZNAR,
PAUL O'BRIEN, KEVIN M. O'CALLAGHAN,
CATHERINE CONDON, DAVID MEBERG, BRYAN
WINTER, and JOHN DeLOLLIS,

11-Civ-5474

**AMENDED
ANSWER**

Plaintiffs,

-against-

MICHAEL FORDE, JOHN GREANEY, JOSEPH
OLIVIERI, BRIAN HAYES, MICHAEL MITCHELL,
FINBAR O'NEILL, K.A.F.C.I., MICHAEL BRENNAN,
TURBO ENTERPRISES, INC., TERENCE BUCKLEY,
PITCOHN CONSTRUCTION ENTERPRISES, INC.,
GERARD McENTEE, PYRAMID ASSOCIATES
CONSTRUCTION CORP., JAMES DUFFY, BRIAN
CARSON, JOSEPH RUOCCO, JOHN STAMBERGER,
and MICHAEL VIVENZIO,

Defendants.

-----X
Defendants, PITCOHN CONSTRUCTION ENTERPRISES, INC. and GERARD
McENTEE, by their attorney, NIALl MAC GIOLLABHUI, LAW OFFICES OF MICHAEL G.
DOWD, answer the First Amended Complaint of Plaintiffs as follows:

1. Defendants deny the allegations pertaining to them forth in paragraphs 1,
47-48, 58-66, 72, 78, 100, 128, 152-164, and 167-176, inclusive, except that a civil suit was

brought against them in or about 2006. Defendants deny knowledge or information sufficient to form a belief with respect to the truth of the remaining allegations set forth in these paragraphs.

2. Defendants neither admit nor deny the allegations set forth in paragraphs 2, 3, 4, 150-151, and 166, inclusive, as they are not allegations of fact.

3. Defendants deny knowledge or information sufficient to form a belief with respect to the truth of the allegations set forth in paragraphs 5-28, 32-46, 49-57, 67-71, 73-77, 79-99, 101-123, 129-148, 178-182, 184-188, 190-194, 196-200, 202-206, 208-213, 215-220, 222-227, 229-234, 236-241, and 243-248, inclusive.

4. Defendants deny the allegations set forth in paragraphs 29-31, inclusive, except that Defendant GERARD MCENTEE is a resident of the State of New York, and that Defendant PITCOHN CONSTRUCTION ENTERPRISES, INC. was organized under the laws of the State of New York and had its principal place of business at the location alleged.

5. Defendants deny the allegations set forth in paragraphs 124-127.

6. Defendants deny each allegation set forth in paragraphs 149, 165, 177, 183, 189, 195, 201, 207, 214, 221, 228, 235, and 242, inclusive, except as otherwise pleaded herein.

FIRST AFFIRMATIVE DEFENSE

7. Plaintiffs' action is barred by the statute of limitations.

SECOND AFFIRMATIVE DEFENSE

8. Plaintiffs' action is barred by the grievance procedure, including arbitration, mandated by the applicable collective bargaining agreements.

THIRD AFFIRMATIVE DEFENSE

9. Plaintiffs' action is barred by the doctrine of economic duress.


FOURTH AFFIRMATIVE DEFENSE

10. Plaintiffs' action is barred by the doctrine of estoppel.

Defendants demand a trial by jury of all claims pursuant to Federal Rule of Civil Procedure 38.

WHEREFORE, Defendants pray that the Court dismiss the Complaint and enter judgment in favor of Defendants, and that Defendants be awarded such other and further relief as this Court deems just and proper.

Dated: New York, New York
February 16, 2012


NIALL MAC GIOLLA BHUI (NM0281)
LAW OFFICES OF MICHAEL G. DOWD
Attorney for Defendants
PITCOHN CONSTRUCTION
ENTERPRISES INC. and
GERARD McENTEE
425 Park Avenue, 26th Floor
New York, NY 10022
(212) 751-1640